



Fair Political Practices Commission

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NEWS ADVISORY

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FPPC May Ask Federal Panel for an Advisory Opinion

The Fair Political Practices Commission on Thursday (November 3) will consider asking the Federal Election Commission for an advisory opinion on whether federal law would preempt certain state campaign disclosure rules.

The FPPC will also consider a number of other issues, including proposed enforcement fines and whether some administrative enforcement decisions should be considered as precedents.

The commission's regular monthly meeting begins at 9:45 a.m. in the FPPC's eighth-floor hearing room at 428 J St. (Fifth and J Streets) in Sacramento.

FPPC staff attorneys have proposed that the commission adopt a new regulation for reporting certain campaign contributions and expenditures by California political party committees. The proposed rule would govern disclosure of receipts and expenditures in accounts used by the party committees to fund mixed federal and state campaign activities. But after hearing concerns from committee representatives that the rule might be preempted by federal law, the commission will consider asking the Federal Election Commission for an advisory opinion on the matter.

According to a memorandum from FPPC staff, an opinion from the FEC "would not be the final word on this topic...since a court would be free to disagree if the question were litigated. But the opinion of the FEC would be entitled to substantial deference by the courts, and as a practical matter may greatly simplify rulemaking." (See agenda item #6.)

In other action, the commission will consider whether certain administrative enforcement decisions should be considered as precedents. According to FPPC staff, the

development of such a body of “case law” might increase the predictability and consistency of future enforcement decisions reached through the administrative hearing process. (See agenda item #7.)

The agenda and supporting memoranda and materials are posted on the FPPC’s website at www.fppc.ca.gov. Just click on “Agendas” on the left side of the home page and go to “Current Agenda.” The agenda is posted on the website 10 days before the meeting, and letters commenting on agenda items are also posted when received.

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